

Remarks

As aforementioned, Applicants' counsel conducted a personal interview with Examiner Dawson at the USPTO on 19 December, 2007, to discuss the present non-final Office Action that had been mailed on 29 October, 2007.

In the present Action, claims 1-35 are pending with (a) claims 1-16 and 30-35 having been rejected and (b) claims 17-29 having been allowed.

In light of the foregoing amendments and the following remarks, Applicants respectfully request entry of this reply and reconsideration and allowance of claims 1-16 and 30-35 under 37 CFR 1.111.

Continued Examination Under 37 C.F.R. §114.

Applicants gratefully acknowledge the Examiner's withdrawal of finality of a previous Action under 37 C.F.R. §114, and entry of their submission of 20 August, 2007.

Specification.

The Examiner objected to an alleged lack of antecedent basis in the specification for a limitation of "porous" in the claims. This limitation has been deleted herein and therefore the specification has not been amended.

Claim Rejections - 35 U.S.C. §§102 and 103.

The Examiner:

rejected claims 1 and 35 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,776,161 (Horn);

again rejected claims 1, 2, 5, 6, 13, 15, and 16 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 2,199,690 (Bullard);

additionally rejected claims 1-16 and 35 under 35 U.S.C. §103(a) as allegedly being obvious over Bullard in view of Horn;

further rejected claims 1-16 and 30-35 under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Applic. Pub. No. 2006/0173237 (Jacquetin);

lastly rejected claims 1-16 and 30-35 under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent Applic. Pub. No. 2004/0116774 (Migliari).

Applicants incorporate by reference herein their earlier arguments of record pertaining to a general inapplicability of Bullard and related non-surgical art (such as Horn) to their invention. However, Applicants acknowledge the Examiner's reasoning that from a viewpoint focused only on structure and configuration, and not intended use, the cited references might be considered as rendering their claims anticipated or obvious. Nonetheless, Applicants traverse these rejections; but for the sake of expediency in patenting the invention Applicants have accepted the Examiner's suggestion that was offered during the personal interview to add features of allowed claim 17 (drawn to a device for the introduction of an implant) into claim 1 (which previously had been drawn only to an implant itself). Amendments have been made, accordingly, herein. Thus, Applicants believe that the aforestated grounds of rejection are now moot.

Further, Applicants believe that the cited surgical art of Jacquetin and Migliari neither anticipate nor render obvious their invention as defined by the amended claims herein. Most notably, neither Jacquetin nor Migliari teach or suggest all of the limitations of the amended claims 1-16 and 30-35.

Allowable Subject Matter.

Applicants gratefully acknowledge the Examiner's decision that claims 17-29 are patentable over the prior art of record.

CONCLUSION

Applicants submit that claims 1-16 and 30-35 are in condition for allowance, which action is respectfully requested; and claims 17-29 have been determined to be allowable by the Examiner.

The Examiner is requested to contact the undersigned counsel to discuss this matter so that allowance of claims 1-16 and 30-35 may be expeditiously reached and that a Notice of Allowance of all claims 1-35 may be entered without delay.

Respectfully submitted,
Emmanuel Delorme, et al.

Date: 28 January, 2008

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